

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lesley Henry	Team: Team # 5	CCRB Case #: 201007095	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 05/08/2010 6:00 PM	Location of Incident: In front of § 87(2)(b)	Precinct: 77	18 Mo. SOL 11/8/2011	EO SOL 11/8/2011	
Date/Time CV Reported Tue, 05/11/2010 3:11 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/11/2010 3:11 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christopher Savage	16249	939427	077 PCT
2. Officers			
3. SGT Raymond Kwong	03627	932870	077 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Peter Bernard	03158	901176	077 PCT
2. POM Brendan Farrell	28017	936571	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christopher Savage	Abuse: PO Christopher Savage threatened § 87(2)(b) with the use of force.	
B.POM Christopher Savage	Discourtesy: PO Christopher Savage spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b)	
C.POM Christopher Savage	Force: PO Christopher Savage used physical force against § 87(2)(b) and § 87(2)(b)	
D.SGT Raymond Kwong	Force: Sgt. Raymond Kwong used physical force against § 87(2)(b)	
E. Officers	Force: Officers used physical force against § 87(2)(b) and § 87(2)(b)	

Case Summary

On May 11, 2010, § 87(2)(b) filed a complaint with the Internal Affairs Bureau. IAB log 10-27990 was forwarded to the CCRB on May 26, 2010 (encl. 4A-B).

On May 8, 2010, at approximately 6:30 p.m., officers from the 77th Precinct responded to an AIDED call. The following allegations resulted:

- **Allegation A – Abuse of Authority:** PO Christopher Savage threatened § 87(2)(b) with the use of force. § 87(2)(g)
- **Allegation B – Discourtesy:** PO Christopher Savage spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b) § 87(2)(g)
- **Allegation C – Force:** PO Christopher Savage used physical force against § 87(2)(b) and § 87(2)(b) § 87(2)(g)
- **Allegation D – Force:** Sgt. Raymond Kwong used physical force against § 87(2)(b) § 87(2)(g)
- **Allegation E – Force:** Officers used physical force against § 87(2)(b) and § 87(2)(b) § 87(2)(g)

Results of Investigation

Civilian Statement(s)

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) old black female, 5'4" tall, 261 lbs, with brown hair and eyes. § 87(2)(b)

IAB log 10-27990

§ 87(2)(b)'s statement to IAB was consistent with her CCRB sworn testimony (encl. 4A-B).

Hospital Statement

On § 87(2)(b), § 87(2)(b) reported to § 87(2)(b) that police tried to taser § 87(2)(b) and when § 87(2)(b) tried to protect her she was "assaulted." § 87(2)(b) was kicked in the back and left side and not provided with any medical treatment (encl. 29A-D).

50-h Testimony

§ 87(2)(a) Gen.Mun. §50-H(3)

CCRB Testimony

On October 6, 2010, § 87(2)(b) was interviewed at the CCRB (encl. 7A-C). On May 8, 2010, at approximately 6:30 p.m., § 87(2)(b)'s cousin, § 87(2)(b) called § 87(2)(b) to her home. Within approximately 30 minutes, § 87(2)(b) arrived at § 87(2)(b) in Brooklyn. She encountered § 87(2)(b) handcuffed inside of an ambulance and her family, § 87(2)(b) and § 87(2)(b) standing outside of the ambulance. Numerous police officers and civilians were at the location; one civilian § 87(2)(b) identified as § 87(2)(b) from the neighborhood. § 87(2)(b) spoke with the family regarding who would accompany § 87(2)(b) to the hospital when an officer stated, "I'll tase her," and removed a black taser from his hip band. § 87(2)(b) described the officer as a white male, 5'6" tall, with a medium build, black spiky hair, facial stubble and a blue uniform. This officer was identified through investigation as PO Christopher Savage.

§ 87(2)(b) told PO Savage that he could not tase § 87(2)(b) because of a "heart condition." PO Savage grabbed § 87(2)(b) by her arm and slammed her body into the back of the ambulance approximately five times. § 87(2)(b) did not appear to have been injured. § 87(2)(b) told PO Savage, "Get the fuck off of her," and pulled § 87(2)(b)'s arm away from PO Savage. PO Savage told § 87(2)(b) "Get the fuck back," and § 87(2)(b) walked approximately ten feet away.. PO Savage mouthed the words, "black bitch," but he did not say the statement aloud. § 87(2)(b) told PO Savage that she would drag him down the street and beat him into the ground.

After approximately five minutes, § 87(2)(b) walked back towards the ambulance and before she reached, she felt a blow to her back and she fell to the ground onto her stomach. An unknown number of officers, whom § 87(2)(b) did not see, hit her with an asp, punched her in the back, kicked her in the right side of her waist, pulled her hair and pulled her pants down exposing her buttocks. § 87(2)(b) was placed in handcuffs and she observed approximately six officers nearby afterward, but she could not determine whether they had been involved in the physical force used against her. § 87(2)(b) could not get up because she sustained a herniated disc and torn ligaments in both knees from a car accident more than three years ago. § 87(2)(b) was assisted and escorted to a patrol car by an officer she described as an Asian male, 5'6" tall, with a slim build and dark hair, and wearing a uniform. This officer was identified through investigation as Sgt. Raymond Kwong.

§ 87(2)(b) informed Sgt. Kwong that she felt pain in her back. Sgt. Kwong told § 87(2)(b) she should have cooperated with the officers and now that she wanted their cooperation it was too bad, and he transported her to the stationhouse. § 87(2)(b) was also arrested and at the stationhouse, she told her arresting officers that her arm and hand were in pain and asked to be seen by a doctor. The officers did not respond and § 87(2)(b) and § 87(2)(b) remained at the stationhouse for arrest processing.

On § 87(2)(b), § 87(2)(b) went to § 87(2)(b) because her hand was in pain; however, she was informed that she did not have any broken bones or fractures. She continued to feel pain and her left hand became swollen and bruised. On § 87(2)(b), she went to § 87(2)(b) and she was informed that she sustained nerve damage to her left hand.

Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) old black female, 5'6" tall, 155 lbs, with brown hair and brown eyes. § 87(2)(b)

Hospital Statement

On § 87(2)(b), § 87(2)(b) reported § 87(2)(b) personnel that her right thumb was bent back by a police officer causing her pain (encl. 28A-H).

CCRB Testimony

On June 21, 2010, § 87(2)(b) was interviewed at the CCRB; § 87(2)(g) (encl. 10A-C). On May 8, 2010, at approximately 6:30p.m., § 87(2)(b) was very intoxicated and passed out. Her mother, § 87(2)(b) called for an ambulance and two EMT's arrived shortly thereafter along with two police officers. The EMTs attempted to restrain § 87(2)(b) and she cursed and kicked them and they called for additional police back up.

When the first patrol car arrived § 87(2)(b) was inside of the ambulance. § 87(2)(b) noticed an officer, identified through investigation as Sgt. Raymond Kwong, standing at the door of the ambulance with a taser. She described Sgt. Kwong as an Asian male, 5'7" tall, with a slim build. § 87(2)(b) cursed at Sgt. Kwong and told him not to use the taser; she did not recall her exact words. Sgt. Kwong grabbed § 87(2)(b) and pushed her left shoulder against the ambulance and told her to get back. § 87(2)(b) did not leave because she wanted to see what was happening to § 87(2)(b). § 87(2)(b) alleged § 87(2)(b) was slammed into the ambulance five times by a white male officer identified as PO Savage; however, § 87(2)(b) did not make this allegation.

§ 87(2)(b) arrived and the situation escalated because she argued with the officers about the way § 87(2)(b) was treated. § 87(2)(b) approached § 87(2)(b) however, before § 87(2)(b) could reach § 87(2)(b) she was pushed to the ground and handcuffed by an unknown number of officers. § 87(2)(b) could not describe these officers. An officer, whom she did not see, pulled § 87(2)(b)'s thumb back as she was handcuffed and caused her pain. § 87(2)(b) was transported to the 77th Precinct stationhouse for arrest processing. § 87(2)(b) alleged § 87(2)(b) requested medical attention; however, § 87(2)(b) did not claim to have done so. On § 87(2)(b), § 87(2)(b) went to § 87(2)(b) where she was diagnosed with a sprained right finger and a fractured right thumb.

50-h Testimony

§ 87(2)(a) Gen.Mun. §50-H(3)

Witness: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) old black female, 5'6" tall, 161 lbs, with black hair and brown eyes. § 87(2)(b)

CCRB Testimony

On October 27, 2010, § 87(2)(b) was interviewed at the CCRB (encl. 15A-B). On May 8, 2010, at approximately 3:30 p.m., two police officers escorted § 87(2)(b) to an ambulance. An officer, whom § 87(2)(b) could not describe, pushed § 87(2)(b) away from the ambulance. This officer was identified through investigation as PO Savage. § 87(2)(b) did not see any officer slam § 87(2)(b) into the ambulance. § 87(2)(b) did not hear anyone threaten § 87(2)(b) with a taser; however, one officer held a taser in his hand. § 87(2)(b) did not hear any of the officers use any profanity.

§ 87(2)(b) was thrown to the ground by approximately three officers. § 87(2)(b) clarified upon further questioning that she did not know how § 87(2)(b) ended up on the ground. § 87(2)(b)'s pants fell low and the "crack of her behind" showed because § 87(2)(b) had not been wearing a belt. An officer, whom § 87(2)(b) described as a white male, 5'11" tall, with a medium build and in uniform, pushed § 87(2)(b) on top of § 87(2)(b) and placed her hand behind her back in an awkward position. § 87(2)(b) and § 87(2)(b) did not fight the officers.

Witness: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) old black male, 5'9" tall, 190 lbs, with salt and pepper hair and brown eyes. § 87(2)(b) has been an Emergency Medical Technician for the New York City Fire Department § 87(2)(b). On May 8, 2010, he worked with his partner, § 87(2)(b)

CCRB Testimony

On April 7, 2011, § 87(2)(b) was interviewed at the CCRB (encl. 18C-D). § 87(2)(b) did not have an independent recollection of the incident. § 87(2)(b) was shown a copy of the ambulance call report and he recognized his shield number and his partner's handwriting. § 87(2)(b) was able to recall the incident after viewing the report without reviewing the report narrative.

On May 8, 2010, at approximately 6:06 p.m., § 87(2)(b) and his partner, identified by § 87(2)(b) as § 87(2)(b) received a call from FDNY dispatch to respond to § 87(2)(b) in Brooklyn in regards to an individual with difficulty breathing. Two uniformed police officers also responded to the location. § 87(2)(b) § 87(2)(b) and the officers removed § 87(2)(b) who was continuously violent and dangerous, from the home. § 87(2)(b) broke out of the restraints that were put on her arms and legs. Her irate behavior did not appear to be as a result of intoxication, but a reflection of a psychotic disorder. § 87(2)(b) did not recall whether § 87(2)(b) smelled like alcohol. § 87(2)(b) did not see any officer with a taser or hear anyone state, "I'll tase her."

§ 87(2)(b)'s mother, identified as § 87(2)(b) entered the ambulance; however, § 87(2)(b) asked § 87(2)(b) to exit the ambulance because she caused § 87(2)(b) to become more violent. § 87(2)(b) did not

hear any officer say, "Get the fuck back." § 87(2)(b) stood at the back of the ambulance holding onto a pole at the back door. An officer, identified through investigation as PO Savage, grabbed § 87(2)(b)'s arm and removed her hand from the pole; however, § 87(2)(b) did not see him bang § 87(2)(b) into the ambulance. § 87(2)(b) did not scream out in pain or appear to have been injured.

§ 87(2)(b) continued to kick and move around to the point where she broke the stretcher. § 87(2)(b) observed a younger black female, identified through investigation as § 87(2)(b) arguing with the officers about whether § 87(2)(b) would be taken to the hospital. § 87(2)(b) did not observe the officers place her or anyone else on the ground. No one at the location claimed to have been injured or requested any medical attention in § 87(2)(b)'s presence. § 87(2)(b) could not be physically restrained so she was given a sedative and after approximately 45 minutes the ambulance left the location.

Witness: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) old black female, 5'11" tall, 185 lbs, with black hair and brown eyes.

CCRB Testimony

On October 27, 2010, § 87(2)(b) was interviewed by the CCRB (encl. 17A-B). § 87(2)(b) did not have an independent recollection of the incident because of her intoxicated state at the time. She sustained injuries during the incident; however, she could not determine what caused her injuries.

Attempts to Contact Civilians

Between December 20 and December 30, 2010, the undersigned investigator placed five phone calls to § 87(2)(b) and § 87(2)(b) and two letters were mailed to the addresses provided that were not returned to the CCRB by the United States Postal Service. On December 20, 2010, § 87(2)(b) was reached by phone and he verified his contact information; however, he failed to provide a statement and he was no longer available. On December 23, 2010, § 87(2)(b) informed the undersigned investigator that he did not wish to participate in the investigation.

NYPD Statement(s):

Subject Officer: PO CHRISTOPHER SAVAGE

- PO Christopher Savage is a § 87(2)(b) old white male, 5'9" tall, 180 lbs, with brown hair and eyes. PO Savage is left-handed and carries his firearm on his left side. On May 8, 2010, PO Savage worked in uniform with PO Farrell assigned to sector KM in marked patrol car 4526.

Memo Book

PO Savage's memo book entries indicate that at 6:05 p.m., he responded to § 87(2)(b) to a reported AIDED case. At 7:00 p.m. a call for additional assistance was made at the location. At 7:10 p.m., two individuals were arrested (encl. 19A-C).

Line of Duty Report

The line of duty report indicates that § 87(2)(b) and § 87(2)(b) resisted arrest and as a result PO Savage sustained a sprained left wrist (encl. 20).

CCRB Testimony

PO Savage was interviewed at the CCRB on December 17, 2010 (encl. 22A-C). On May 8, 2010, PO Savage and PO Farrell responded to a “suicidal” EDP call at § 87(2)(b) in Brooklyn. They encountered § 87(2)(b) intoxicated inside of a § 87(2)(b) floor apartment sitting on the floor in the living room. § 87(2)(b) refused treatment from two EMS personnel and unintentionally kicked PO Savage in the chin as he tried to assist. PO Savage called for back up; however, § 87(2)(b) was placed the ambulance before the back up officers arrived.

§ 87(2)(b) and another daughter, identified as § 87(2)(b) entered the ambulance and § 87(2)(b)'s behavior worsened. PO Savage removed the family from the ambulance and § 87(2)(b) stood at the back of the ambulance holding onto a rail which prevented PO Savage from closing the ambulance door. PO Savage told the family to move back; he denied using any discourteous language or threatening to use a taser against § 87(2)(b). PO Savage grabbed § 87(2)(b)'s hand and removed it from the rail; he did not slam her into the door. § 87(2)(b) said, “Don’t touch my mother,” and ran toward PO Savage and indicated she wanted to fight by putting her fists in the air. Sgt. Kwong said that § 87(2)(b) should be arrested and PO Savage grabbed § 87(2)(b) from behind to prevent getting hit. Sgt. Kwong grabbed § 87(2)(b) on her left side. § 87(2)(b) flailed her arms wildly and she and PO Savage fell to the ground; PO Savage injured his left wrist and shoulder. PO Savage denied hitting § 87(2)(b) with an asp or kicking her in the back and he did not see any other officer take those actions. PO Savage denied removing § 87(2)(b)'s pants and he did not see her buttocks exposed; he also denied pulling her hair or seeing any other officer do so. It took approximately five minutes to remove § 87(2)(b)'s hands from underneath her body and place her in handcuffs. Additional officers, whom he did not recall, assisted in removing her hands; PO Savage did not place her in handcuffs.

§ 87(2)(b) jumped on the officers’ backs as they were arresting § 87(2)(b). Officers whom PO Savage did not see removed § 87(2)(b) and placed her in handcuffs. § 87(2)(b) was taken to the hospital for treatment, but she was not placed under arrest. PO Savage was unable to prepare an AIDED form because he was taken to § 87(2)(b) for his injuries; § 87(2)(b)

Subject Officer: SGT. RAYMOND KWONG

- *Sgt. Raymond Kwong is a § 87(2)(b) old Asian male, 5’6” tall, 150 lbs, with black hair and brown eyes. On May 8, 2010, Sgt. Kwong was assigned as the patrol supervisor with PO Peter Bernard. He worked in uniform from 2:50 p.m. until 11:47 p.m. assigned to marked patrol car 4936.*

Memo Book

Sgt. Kwong’s memo book entries indicate that at 6:30 p.m. he received a report of an emotionally disturbed person at § 87(2)(b). At 7:10 p.m., two arrests were made by Officers Savage and Farrell (encl. 23A-B).

CCRB Testimony

On January 4, 2011, Sgt. Raymond Kwong was interviewed at the CCRB (encl. 24A-B). On May 8, 2010, at approximately 6:30 p.m., Officers Savage and Farrell made a call for assistance while at § 87(2)(b) in Brooklyn and Sgt. Kwong and PO Bernard responded. Sgt. Kwong did not recall PO Bernard's actions throughout the encounter. Sgt. Kwong observed a female, identified as § 87(2)(b) with no injuries tied to an EMS chair. Officers Savage and Farrell were attempting to remove the female from the location and she continually kicked her legs. Sgt. Kwong did not recall whether the female had kicked any of the officers. An EMS personnel supervisor arrived at the location and ordered the female to be sedated. Sgt. Kwong did not threaten to use a taser on § 87(2)(b) and he did not hear any other officer do so.

Sgt. Kwong told § 87(2)(b)'s family to stand back. An older black female, identified through investigation as § 87(2)(b) grabbed onto the door when the officers tried to move the family back. Sgt. Kwong did not state, "Get the fuck back," and he did not hear any other officer use profanity. Sgt. Kwong did not observe PO Savage push the older female into the ambulance. Another female, identified through investigation as § 87(2)(b) pushed one of the officers. Sgt. Kwong did not recall whom. § 87(2)(b) then tried to flee and PO Savage and PO Farrell chased her and placed her under arrest; she resisted and flailed her arms. Sgt. Kwong went to the officers' assistance and grabbed § 87(2)(b) by her arms and wrists and everyone fell to the ground; PO Savage was injured. Sgt. Kwong denied using an asp, punching or kicking anyone and he did not see any other officers use similar force. § 87(2)(b) did not complain of any injury then or later. Sgt. Kwong denied observing § 87(2)(b)'s pants pulled down. It took approximately one minute to place her in handcuffs. § 87(2)(b) jumped on the officers' backs and other officers placed her in handcuffs. Sgt. Kwong did not know which officers and he did not observe her arrest as it happened simultaneously with the arrest he had been involved with. § 87(2)(b) and § 87(2)(b) did not inform Sgt. Kwong that they had been injured and they did not request medical treatment.

Subject Officer: PO BRENDAN FARRELL

- *PO Brendan Farrell is a § 87(2)(b) old white male, 5'9" tall, 180 lbs, with brown hair and blue eyes. On May 8, 2010, PO Farrell worked in uniform with PO Savage assigned to sector patrol in marked patrol car 4526 from 3:00 p.m. until 11:35 p.m.*

Memo Book

PO Farrell's memo book entries indicate that at 6:04 p.m. he responded to § 87(2)(b) to aid an emotionally disturbed person. At 7:10 p.m., PO Savage arrested two individuals. At 7:16 p.m., PO Farrell completed arrest paperwork (encl. 25A-B).

CCRB Testimony

On December 28, 2010, PO Brendan Farrell was interviewed at the CCRB (encl. 26A-B). On May 8, 2010, Officers Farrell and Savage responded to a report of an emotionally disturbed female at § 87(2)(b) in Brooklyn. Upon their arrival, two unknown EMS personnel were at the location and a female was seated in a chair; PO Farrell did not observe any injuries to the female. The female, identified through investigation as § 87(2)(b) kicked PO Savage in his "stomach area;" however, he was not injured. PO Savage later injured his wrist

during an arrest that occurred outside. Additional units were called because the family began to yell and stated that they called for an ambulance and not the police.

Officers Farrell and Savage took § 87(2)(b) outside and placed her in an ambulance; she continued to resist and ESU was called. When ESU responded § 87(2)(b) § 87(2)(b) kicked one of them and it was necessary to further restrain. Her family members tried to enter the ambulance. PO Farrell did not recall whether the family was told, “Get the fuck back” by anyone. Another female at the location, identified as § 87(2)(b) pushed approximately four officers near the ambulance, including PO Savage. PO Farrell was not certain who determined § 87(2)(b) would be arrested; however, she was placed under arrest. PO Farrell denied using an asp, punching or kicking anyone and he did not see any other officer use an asp, punch or kick anyone.

An older black female, identified as § 87(2)(b) blocked the ambulance door from closing. PO Farrell did not see PO Savage or any other officer slam § 87(2)(b) into the ambulance. § 87(2)(b) jumped on the back of the officers restraining § 87(2)(b) § 87(2)(b) PO Farrell assisted in arresting either § 87(2)(b) or § 87(2)(b) however, he did not recall which. PO Farrell did not use an asp, punch or kick anyone and he did not see any other officer take such action. PO Farrell did not pull § 87(2)(b)'s pants down and he did not see another officer do so. PO Farrell could not determine how many officers or who was physically involved in the arrests.

§ 87(2)(b) and § 87(2)(b) did not complain of any pain or injury during or after the incident. PO Farrell did not recall whether either of them had requested medical treatment. PO Farrell returned to the command and prepared the two arrest reports for PO Savage who was injured. PO Farrell did not recall whether he provided the desk officer with the information provided on the command log that read § 87(2)(b) and § 87(2)(b)'s condition was apparently normal.

Medical Records

FDNY Pre-Hospital Care Report

The report indicates that § 87(2)(b) was intoxicated and she screamed and kicked at EMS personnel. Police officers restrained § 87(2)(b) and she was administered a sedative called “Midazolam” (encl. 27A-B).

§ 87(2)(b)
The medical records for § 87(2)(b) indicate that on § 87(2)(b) she was treated for a pain, swelling and numbness to her thumb. § 87(2)(b) was diagnosed with a right thumb sprain and was prescribed Motrin for pain relief and instructed to return for X-ray of right hand for possible fracture. On § 87(2)(b), § 87(2)(b) returned to § 87(2)(b) emergency room and was diagnosed with a fractured right thumb. She was issued a splint and prescribed Motrin for pain relief (encl. 28A-H).

§ 87(2)(b)
The medical records for § 87(2)(b) indicate that on § 87(2)(b), she was treated for back and left shoulder pain. The medical personnel noted that § 87(2)(b) did not have any apparent signs of trauma; she was issued Naproxen for pain relief (encl. 29A-B).

§ 87(2)(b)

The medical records for § 87(2)(b) indicate that on § 87(2)(b) she received X-rays and the results were normal (encl. 29C-D).

NYPD Document(s)

SPRINT § 87(2)(b)

SPRINT § 87(2)(b) indicates that at 6:02 p.m., § 87(2)(b) reported § 87(2)(b) had slit her wrists and was having difficulty breathing. At 6:09 p.m., EMS responded to the location. At 6:20 p.m., PO Farrell and PO Savage arrested § 87(2)(b) and § 87(2)(b). At 6:34 p.m., Sgt. Kwong requested ESU to the location for § 87(2)(b) they arrived at 6:40 p.m. (encl. 30A-F).

Roll Call

The 77th Precinct roll call tour 3 indicates that Sgt. Kwong was the patrol supervisor and that PO Farrell and PO Savage were assigned to sector K (encl. 31A-B).

Command Log

The command log indicates that § 87(2)(b) was arrested for § 87(2)(a) 160.50. Her physical and mental condition was noted as apparently normal. § 87(2)(b) was arrested for § 87(2)(a) 160.50 and her physical and mental condition was noted as apparently normal (encl. 32).

Summons/Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- § 87(2)(b) and § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b) claiming injuries to head and body and are seeking up to \$5 million dollars each as redress (encl. 5A-B/13A-C).

Civilian(s) Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian(s) CCRB History

- This is the first CCRB complaint filed by § 87(2)(b). It is also the first case involving § 87(2)(b) and § 87(2)(b) (encl. 3A-C)

Subject Officer(s) CCRB History

- PO Savage has been a member of the service for 5 years and there are no substantiated CCRB allegations against him (encl. encl 2A).
- Sgt. Kwong has been a member of the service for 7 years and there is one substantiated CCRB allegation against him
 - In case 200908490, Sgt. Kwong had a frisk allegation substantiated against him (encl. 2B).

Conclusion

Identification of Subject Officer(s)

§ 87(2)(g)

Allegations Not Pleaded

§ 87(2)(g)

§ 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: PO Christopher Savage threatened § 87(2)(b) with the use of force.

It is undisputed that § 87(2)(b) kicked at EMS personnel and the officers. She was assessed by EMS as an emotionally disturbed person. According to Patrol Guide Procedure 216-05, if an emotionally disturbed person's actions constitute a threat of physical injury to themselves or others, officers are authorized to take reasonable measures to terminate or prevent such behavior. Authorized members of service may use a conducted energy device (taser) to assist in restraint (encl. 1A-E). § 87(2)(g)

Allegation B – Discourtesy: PO Christopher Savage spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) alleged that PO Savage told her and § 87(2)(b) “Get the fuck back.” PO Savage denied using any profanity, but acknowledged that he told § 87(2)(b) and § 87(2)(b) twice to move away from the ambulance as he attempted to close the door to calm § 87(2)(b). In OATH case, NYPD v. Court, it was determined that the use of discourteous language by an officer to gain compliance did not amount to misconduct (encl. 2A-J). § 87(2)(g)

§ 87(2)(g)

Allegation C – Force: PO Christopher Savage used physical force against § 87(2)(b) and § 87(2)(b)

Allegation D – Force: Sgt. Raymond Kwong used physical force against § 87(2)(b)

Allegation E – Force: Officers used physical force against § 87(2)(b) and § 87(2)(b)

It is undisputed that § 87(2)(b) and § 87(2)(b) refused to obey police instruction to move away from the ambulance. It is also undisputed that § 87(2)(b) engaged in combative behavior towards the officers and that she was tackled to the ground. § 87(2)(g)

PO Savage denied slamming § 87(2)(b) into the ambulance; however, he acknowledged that he removed her hand from the ambulance and after having told her twice to move on her own. § 87(2)(g)

§ 87(2)(b) alleging § 87(2)(b) was hit against the ambulance approximately five times by PO Savage. § 87(2)(b) stated she was hit against the ambulance once by Sgt. Kwong and she failed to repeat the allegation in her statement to the hospital § 87(2)(a) Gen.Mun. §50-H(3). § 87(2)(b) did not see any officer slam § 87(2)(b) into the ambulance. § 87(2)(g)

Sgt. Kwong and PO Farrell stated § 87(2)(b) pushed one or more officers at the location. PO Savage stated § 87(2)(b) approached him with balled fists in the air indicating she wanted to fight. § 87(2)(b) attested to telling PO Savage she would drag him down the street and beat him into the ground; § 87(2)(g)

PO Savage grabbed § 87(2)(b) from behind and tackled her to the ground to avoid being hit by her. On all officer accounts, § 87(2)(b) resisted arrest and moved her arms around wildly; PO Savage was injured during her arrest. § 87(2)(g) § 87(2)(b) alleged she was hit with an asp. § 87(2)(g)

The officers corroborated one another in that § 87(2)(b) jumped on top of them as they were arresting § 87(2)(b) § 87(2)(b) ##### indicated that she was tackled to the ground and § 87(2)(b) could not account for what happened to § 87(2)(b) during their arrests. § 87(2)(b) stated an unidentified officer pulled her thumb back as she was being handcuffed on the ground; this caused a fracture to § 87(2)(b)'s right thumb as indicated by medical records. § 87(2)(b) and § 87(2)(b) were charged with § 87(2)(a) 160.50, § 87(2)(g)

Team: _____

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date